

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 537 CS Homestead Assessments  
**SPONSOR(S):** Grant and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1194

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Finance & Tax Committee	7 Y, 0 N, w/CS	Monroe	Diez-Arguelles
2) Local Government Council			
3) Fiscal Council			
4)			
5)			

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**SUMMARY ANALYSIS**

The bill provides that changes, additions, or improvements to homestead property damaged in one of the named storms of 2004 shall not be considered as changes, additions, or improvements to homestead property subject to assessment at just value unless:

- the square footage of a house which previously measured more than 1350 square feet is increased by 10 percent or more,
- the square footage of house which previously measured 1350 square feet or less is increased to more than 1500 square feet, or
- repairs to the property are incomplete by January 1, 2008.

The Revenue Estimating Conference has estimated that the bill as originally filed would reduce local revenues by 28.6 million dollars on an annualized basis, assuming no change in millage rates by local governments. It does not appear that any exception to the mandates provision applies. While no estimate of the committee substitute has yet been issued, the changes to the committee substitute, if they have any effect on the estimated impact, would increase this number. As such, this bill should be passed by a two-thirds vote in both chambers.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Lower Taxes** – This bill will lower property taxes for certain individual who rebuild homesteaded property damaged during the named storms of 2004.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Background:**

Article VII, s. 4 of the State Constitution requires that all property be assessed at its just market value for ad valorem tax purposes. Just value has been interpreted to mean fair market value.

Article VII s. 4(c) of the State Constitution, provides for a homestead property assessment increase limitation. The annual increase in a homesteaded property's assessed value is limited to 3 percent or the Consumer Price Index percentage change, whichever is lower, not to exceed just value. If there is a change in ownership, the property is to be assessed at its just value on the following January 1. The value of changes, additions, or improvements to the homestead property is assessed as provided by general law. Section 193.155, F.S., implements this assessment limitation.

Section 193.155(4), F.S., provides that changes, additions, or improvements to homestead property shall be assessed as just value as of the first January 1 after the changes, additions, or improvements are substantially completed. However, paragraph (b) of s. 193.155(4), F.S., stipulates that changes, additions, or improvements do not include replacement of a portion of real property damaged or destroyed by misfortune or calamity when the just value of the damaged or destroyed portion as replaced has a just value that is not more than 125 percent of the previous just value of the damaged or destroyed portion. The value of any replaced real property or portion thereof, which is in excess of 125 percent of the just value of the damaged or destroyed property shall be deemed to be a changes, additions, or improvements and subject to assessment.

##### **Proposed Changes:**

The committee substitute provides that notwithstanding s. 193.155(4), F.S., changes, additions, or improvements to homestead property damaged in one of the named storms of 2004 shall not be considered as changes, additions, or improvements to homestead property subject to assessment at just value as provided in s. 193.155(4)(a), F.S., unless:

- the square footage of a house which previously measured more than 1350 square feet is increased by 10 percent or more,
- the square footage of house which previously measured 1350 square feet or less is increased to more than 1500 square feet, or
- repairs to the property are incomplete by January 1, 2008.

The committee substitute also includes language specifying that these provisions are retroactive and apply to the 2005 tax roll.

#### C. SECTION DIRECTORY:

Section 1: Allows homestead property owners impacted by the 2004 hurricane season to rebuild their damaged property without incurring higher property assessments unless:

- the square footage of a house which previously measured more than 1350 square feet is increased by 10 percent or more,
- the square footage of house which previously measured 1350 square feet or less is increased to more than 1500 square feet, or
- repairs to the property are incomplete by January 1, 2008.

The committee substitute also includes language specifying that these provisions are retroactive and apply to the 2005 tax roll.

Section 2: provides that this bill shall take effect upon becoming law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The Revenue Estimating Conference has estimated that the bill as originally filed would reduce local revenues by 28.6 million dollars on an annualized basis, assuming no change in millage rates by local governments. It does not appear that any exception to the mandates provision applies. While no estimate of the committee substitute has yet been issued, the changes to the committee substitute, if they have any effect on the estimated impact, would increase this number. As such, this bill should be passed by a two-thirds vote in both chambers.

2. Expenditures:

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

This bill will reduce ad valorem taxes for certain taxpayers who rebuild homesteaded property which was damaged during the named storms of 2004.

### **D. FISCAL COMMENTS:**

None.

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

This bill reduces the authority of local governments to raise revenues in that it is estimated to reduce local ad valorem revenues by \$23.8 million or more on an annualized basis, and it does not appear

that any exception to the mandates provision applies. As such, this bill should be passed by a two-thirds vote in both chambers.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

On March 29, 2005, the Committee on Finance and Tax adopted a committee substitute which made the following changes to the bill:

- Provided that homesteads previously measuring under 1350 square feet could rebuild up to 1500 square feet without being assessed at just value.
- Changed the date by which repairs must be complete from 24 months after the damage occurred to January 1, 2008.
- Specified that the bill is retroactive and is intended to apply to the 2005 tax roll.